IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.33549 of 1997
DATED 28-3-2007

BETWEEN
Sri K.Subba Rao and another.

.. Petitioner

And

A.P.State Electricity Board, rep by its
Member Secretary, Vidyut Soudha, Hyderabad
and two others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.33549 of 1997

ORDER:

Heard Sri J.Srinath Reddy, learned counsel for the petitioner. Sri Samineni Kishore, learned counsel for the respondents is neither present nor is there any counter affidavit filed on behalf of the respondent-Board.

Both the petitioners retired from the services of the respondent Board in August and October, 1994 respectively. Their retiral benefits, including fixation of pension, sanction and payment of gratuity were finalized vide proceedings dated 18.3.1995 and 16.3.1995 respectively. Subsequently, vide proceedings dated 26.11.1997, the petitioners were informed that an excess amount of

Rs.23,955/- and 21,233/- respectively had been paid to them towards gratuity and that an amount of Rs.1,000/- per month would be recovered from their pension in monthly instalments till the excess amount paid was recovered.

The only contention raised by Sri J.Srinath Reddy, learned counsel for the petitioners, is that the impugned order is bereft of reasons and no details were furnished as to the manner in which respondents had arrived at these figures of Rs.23,955/- and 21,233/- respectively which they contend to have been paid in excess towards gratuity. Learned counsel would contend that in the absence of any details being furnished in this regard, and since the order results in civil consequences, necessitating the petitioner's paying a sum of Rs.1,000/- per month till the alleged excess amount is repaid in full, the impugned order was in violation of principles of natural justice and is required to be set aside.

In the absence of a counter affidavit being filed by the respondents, it is not known as to the basis on which the respondents had concluded that excess amounts were paid to the petitioners towards gratuity. Ends of justice would be met if the respondents are directed to furnish details of the excess amount paid to the petitioners towards gratuity and thereafter take action for recovering the said excess amount in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

RAMESH RANGANATHAN,J

Dt: 28.3.2007

msv.